

BOARD OF APPEALS MINUTES

MAY 14, 2002

On Tuesday May 14, 2002, at 7 p.m. the Town of Clarence Board of Appeals will hear the following requests for variances:

APPEAL NO I	Requests the Board of Appeals approve and grant a six
John F. Dunn	hundred foot (600') variance creating a seven hundred
Agricultural	foot (700') front lot line setback for construction of a
	new home at 10410 Keller Road.

APPEAL NO I is in variance to Article V, section 30-27, B size of yards.

APPEAL MO II	Requests the Board of Appeals approve and grant a
Shawn Anderson	four hundred foot (400') variance creating a five
Agricultural	hundred foot (500') front lot line setback for
	construction of a new single family home at 8091
	Westphalinger Road.

APPEAL NO II is in variance to Article V, section 30-27, B size of yards.

APPEAL NO III	Requests the Board of Appeals approve and grant a two
Maryanne Floss	foot (2') variance creating a forty three foot (43') front
Residential A	lot line setback for construction of a front porch at 6600
	Westminster Drive.

APPEAL NO III is in variance to Article II, section 30-12 A, size of yards.

APPEAL NO IV	Requests the Board of Appeals approve and grant a one
Craig Arrison	hundred foot (100') variance creating a two hundred
Agricultural	foot (200') front lot line setback for construction of a
	new home located at 5752 Salt Road

APPEAL NO IV is in variance to Article V, section 30-27 B, size of yards.

APPEAL NO V	Requests the Board of Appeals approve and grant a one
Mark & Karla Meiler	hundred fifty foot (150') variance creating a two
Agricultural	hundred fifty foot (250') front lot line setback for the
	construction of a new home located at 10155 Martin Rd.

APPEAL NO V is in variance to Article V, section 30-27 B, size of yards.

APPEAL NO VI	Requests the Board of Appeals approve and grant a
Richard & Nancy Kadukil	nine foot (9') variance creating a one foot (1') side lot
Residential A	line for an addition to the garage at 4175 David Court.

APPEAL NO VI is in variance to Article II, section 30-12 D, size of yards.

**APPEAL NO VII
Georgina Hartman
Agricultural**

**Requests the Board of Appeals approve and grant a
forty foot (40') variance creating a one hundred twenty
five foot (125') front lot line setback for construction of
a new home at 9215 Martin Road.**

APPEAL NO VII is in variance to Article V, section 30-27 B, size of yards.

ATTENDING: John P. Brady
John Gatti
Ron Newton
Arthur Henning
Raymond Skaine

**INTERESTED
PERSONS:** John Dunn
Shawn Anderson
Bill Anderson
Maryanne Floss
Craig Arrison
Mark Meiler
Karla Meiler
Mary Kadukil

MINUTES Motion by Ray Skaine, seconded by Arthur Henning to
approve the minutes of the meeting held on April 9, 2002
as written.

Raymond Skaine	AYE
Arthur Henning	AYE
John Brady	AYE
Ronald Newton	AYE
John Gatti	ABSTAINED He was absent for that meeting.

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**APPEAL NO I
John F. Dunn
Agricultural**

**Requests the Board of Appeals approve and grant a six
hundred foot (600') variance creating a seven hundred foot
(700') front lot line setback for construction of a new home
at 10410 Keller Road.**

DISCUSSION:

There are 1.36 acres of wetland in the front of the property. Mr. Dunn had a delineation study done by Wilson Environmental and he was told to go back at least seven hundred feet to avoid disturbing the wetlands. Tim Kulbacki owns the property to the east, and was given a variance for a 650 foot setback. His driveway will go through nine tenths of an acre of the wetlands which is allowed.

ACTION:

Motion by Raymond Skaine, seconded by Arthur Henning to approve Appeal No I as written based on the fact that there is a wetland hardship of 1.36 acres in the front of his land.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO II
Shawn Anderson
Agricultural

Requests the Board of Appeals approve and grant a four hundred foot (400') variance creating a five hundred foot (500') front lot line setback for construction of a new single family home at 8091 Westphalinger Road.

DISCUSSION:

Mr. Anderson has twenty seven acres of land, and would like to set his house back from the street, and put his septic system in the front of the property. There is a high spot he would like to build his house on, it is lower toward the front. This is in the flood zone, and he would like a gentle slope from the house to the road. He will not disturb the hedge rows on either side of the proposed home.

ACTION:

Motion by Raymond Skaine, seconded by John Gatti to approve Appeal NO II as written.

ALL VOTING AYE. MOTION CARRIED.

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APPEAL NO III
Maryanne Floss
Residential A

Requests the Board of Appeals approve and grant a two foot (2') variance creating a forty three foot (43') front lot line setback for construction of a front porch at 6600 Westminster Drive.

DISCUSSION:

The applicant has a slab at the present time. They want a covered porch for eye appeal and protection from the elements. No one had a problem with the request.

ACTION: Motion by John Gatti, seconded by Arthur Henning to approve Appeal No III as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO IV
Craig Arrison
Agricultural

Requests the Board of Appeals approve and grant a one hundred foot (100') variance creating a two hundred foot (200') front lot line setback for construction of a new home located at 5752 Salt Road.

DISCUSSION:

An address correction was given by the applicant, it should be 5650 Salt Road. Mr. Arrison would like to sit back because he would like to have more privacy. Cars speed along Salt Road even though the speed limit is 55 mph. Ron Newton thought it would look like the dickens if the house set back at 200 feet. The adjacent homes are at least one hundred feet (or better) in front of the proposed setback that Mr. Arrison is requesting. Mr. Arrison said he has just under six hundred feet of frontage and the house will be sixty feet off the south property line. There will be quite a distance to the neighbors to the north. Mr. Newton said you will be forcing anyone who buys the property to the south to conform to your line. Ray Skaine said he wished more people would build back farther on Salt Road, the traffic goes too fast. John Gatti agreed that the traffic goes too fast.

ACTION: Motion by John Gatti, seconded by Raymond Skaine to approve Appeal No II as written.

ALL VOTING AYE. MOTION CARRIED.

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APPEAL NO V
Mark & Karla Meiler
Agricultural

Requests the Board of Appeals approve and grant a one hundred fifty foot (150') variance creating a two hundred fifty foot (250') front lot line setback for the construction of a new home located at 10155 Martin Road.

DISCUSSION:

The applicant said "By the time you cross a pretty big sized ditch, and cross a bridge on the property, you are already at 100 feet." They would like to put the septic in the front yard. Also, everyone else on the street seems to be set back about this same distance. They will have to install a very

large pipe at a cost of three thousand dollars. They would like to install the septic in front in the event that sewers come through in the future.

ACTION:

Motion by Ronald Newton, seconded by Arthur Henning to approve Appeal No V as written. There is a definite hardship.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO VI
Richard & Nancy Kadukil
Residential A

Requests the Board of Appeals approve and grant a nine foot (9') variance creating a one foot (1') side lot line for an addition to the garage at 4175 David Court.

DISCUSSION:

Nancy Kadukil said they would like the garage expansion to go in that direction, because building in the direction of their house, would take away the only sunny grassy spot that they enjoy from their deck. The side they are asking to put the garage on is wooded and vacant land. They have tried to buy the land next door, but the owner isn't interested in selling at this time. It will be one foot from the property line on one corner, and six feet from the other corner. They do not have a basement and they need more storage space.

ACTION:

Motion by Ronald Newton, seconded by Raymond Skaine to approve Appeal No VI as written.

ALL VOTING AYE. MOTION CARRIED.

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APPEAL NO VII
Georgina Hartman
Agricultural

Requests the Board of Appeals approve and grant a forty foot (40') variance creating a one hundred twenty five foot (125') front lot line setback for construction of a new home at 9215 Martin Road.

The applicant removed herself from the agenda. She decided to build at ninety five feet, which in this case does not require a variance

Meeting adjourned at 8:30 p.m.
John P. Brady, Chairman